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Attorneys for Plaintiff  
 Performant Financial Corporation

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

PERFORMANT FINANCIAL CORPORATION, a Delaware corporation,	)	No. 3:13-cv-05876-NC
	)	
Plaintiff,	)	
vs.	)	<u>STIPULATION AND <del>PROPOSED</del></u>
	)	<u>ORDER TO EXTEND TIME TO</u>
	)	<u>RESPOND TO INITIAL COMPLAINT</u>
	)	<u>AND CONTINUE INITIAL CASE</u>
PERFORMANT SYSTEMS GROUP, LLC, a)	)	<u>MANAGEMENT CONFERENCE</u>
Michigan limited liability company d/b/a	)	<u>(L.R. 6-1)</u>
Performant Systems Group; and DOES 1-50,	)	
inclusive,	)	Complaint Filed: December 18, 2013
	)	Complaint Served: December 23, 2013
Defendants.	)	Current Response Date: August 11, 2014
	)	New Response Date: September 11, 2014
	)	
	)	Magistrate Judge Nathanael Cousins

WHEREAS, Plaintiff PERFORMANT FINANCIAL CORPORATION caused the  
 Summons and Complaint in this action to be served on Defendant PERFORMANT  
SYSTEMS GROUP. LLC on December 23, 2013; and

WHEREAS, in accordance with Federal Rule of Procedure 12(a), Defendant's  
 response to the Complaint was due within twenty-one days after the December 23, 2013  
 service of the Summons and Complaint or on January 13, 2014; and

1 WHEREAS, in order to discuss an informal resolution of this matter, the parties  
2 filed herein on January 8, 2014, their initial Stipulation To Extend Time To Respond To  
3 Initial Complaint (Doc. 10), which extended Defendant's time to respond to the Complaint  
4 by thirty days, from January 13, 2014, until and including February 12, 2014; and

5 WHEREAS, following entry of the aforesaid Stipulation, the parties reached a  
6 conditional settlement; and

7 WHEREAS, to allow time for the completion and satisfaction of the specified  
8 conditional settlement terms without incurring further costs of litigating this matter, the  
9 parties filed herein their second Stipulation To Extend Time To Respond To Initial  
10 Complaint (Doc. 11), which extended Defendant's time to respond to the Complaint by one  
11 hundred eighty (180) days, from February 12, 2014, until and including August 11, 2014;  
12 and

13 WHEREAS, to allow time for Plaintiff to ascertain Defendant's fulfillment of the  
14 specified conditional settlement terms, Defendant has requested and Plaintiff has agreed to  
15 an extension of time within which Defendant must respond to the Complaint of thirty (30)  
16 days, until and including September 11, 2014; and

17 WHEREAS, the parties anticipate at this time that fulfillment of all of the settlement  
18 conditions will be confirmed and that no further extensions of time within which Defendant  
19 must respond to the Complaint will be necessary; and

20 WHEREAS, this extension will alter the dates of deadlines previously fixed by this  
21 Court's order of December 19, 2013 (Doc. 5), including the date of the initial Case  
22 Management Conference in this action, which is currently set for September 17, 2014;

23 NOW THEREFORE, it is hereby stipulated by and between the undersigned  
24 counsel for the parties herein, that:

- 25 1. Defendant Performant Systems Group, LLC, shall have until and including  
26 September 11, 2014, to respond to Plaintiff Performant Financial Corporation's  
27 Complaint;  
28

- 1           2. The initial Case Management Conference shall be continued from its current date  
2           of September 17, 2014, at 10:00 a.m. to October 15, 2014, at 10:00 a.m.; and  
3           3. All deadlines related to the Case Management Conference shall be continued  
4           accordingly.

5           Dated: August 12, 2014

6                                   PILLSBURY WINTHROP SHAW PITTMAN LLP  
7                                   THOMAS V. LORAN III  
8                                   JEFFREY S. JACOBI  
                                    Four Embarcadero Center, 22nd Floor  
                                    San Francisco, CA 94111

9                                   By           /s/ Jeffrey S. Jacobi            
10                                                   Jeffrey S. Jacobi  
11                                                   Attorneys for Plaintiff  
                                                    PERFORMANT FINANCIAL  
                                                    CORPORATION

12           Dated: August 12, 2014

13  
14                                   DICKINSON WRIGHT PLLC  
15                                   JOHN C. BLATTNER  
16                                   350 S. Main Street, Suite 300  
                                    Ann Arbor, MI 48104

17                                   By           /s/ John C. Blattner            
18                                                   John C. Blattner  
19                                                   Attorney for Defendant  
                                                    PERFORMANT SYSTEMS  
                                                    GROUP, LLC

20                                   **ATTESTATION OF SIGNATURE**

21                                   **(N.D. Cal. General Order 45)**

22           I, Jeffrey S. Jacobi, hereby attest that concurrence in the filing of this document  
23           entitled STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO RESPOND  
24           TO INITIAL COMPLAINT AND CONTINUE INITIAL CASE MANAGEMENT  
25           CONFERENCE (L.R. 6-1) has been obtained from all of the signatories.

26           Dated: August 12, 2014

27                                   By           /s/ Jeffrey S. Jacobi            
                                                    Jeffrey S. Jacobi

**ORDER**

Upon consideration of the parties' stipulation and good cause appearing, IT IS  
HEREBY ORDERED THAT:

1. Defendant Performant Systems Group, LLC shall have until and including  
September 11, 2014 to respond to Plaintiff Performant Financial Corporation's  
Complaint;
2. The initial Case Management Conference shall be continued from its current date of  
September 17, 2014 at 10:00 AM to October 15, 2014 at 10:00 AM; and
3. All deadlines related to the Case Management Conference shall be continued  
accordingly.

Dated: August 15, 2014

